

**OPINION
45-79**

December 17, 1945 (OPINION)

DEATH CERTIFICATES

RE: Who May Issue

This will acknowledge your letter of December 14, 1945, in which you advise that upon investigation of death certificates on file in your office you find that in several counties the practice has been followed by the county coroner to sign the medical certification on death certificates when there was no physician in attendance. I also note that some of the local registrars contend that in many instances coroners sign death certificates when, according to law, investigation of the death should be made by the local health officer, or, if there is no such official, by the local registrar.

Section 23-0230 of the North Dakota Revised Code of 1943 provides for death certificate and what it shall contain by way of information. Under subsection 19, subdivision (k), we find: "The signature and address of the physician in last attendance, and the date when such certificate was signed." This section contemplates the signature of a physician if one was in last attendance of the deceased. However, section 23-0232 makes the local undertaker, or person acting as such, responsible for obtaining and filing the certificate of death with the local registrar. Subsection 2 of said section provides: "Present the certificate to the attending physician. If any, or to the health officer or coroner as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record."

Section 23-0235 provides for signature on death certificate where no physician was in attendance. If death occurs without medical attendance, the undertaker shall notify the local registrar of such death. When so notified, the registrar, prior to issuing a burial-burial permit, shall inform the local health officer and refer the case to him for immediate investigation and certification. If the local health officer is not a qualified physician, or when there is no such official, the registrar may make the certificate and return from statements of relatives or other persons having adequate knowledge of the facts. If the circumstances of the case render it probable that death was caused by unlawful or suspicious means, the registrar shall refer the case to the coroner for his investigation and certification.

It would thus appear that it is contemplated that a physician shall sign the death certificate if one was in attendance; that if no physician was in attendance and the local health officer is not a qualified physician, or when there is no such official, the registrar may make the certificate and return from such information as he can get from relatives or other persons who have knowledge of the facts. It is only when death occurs under such circumstances as to indicate that it was caused by unlawful or suspicious means that the registrar refers the case to the coroner for his investigation and certification. If death occurred under conditions that would

indicate that there was something suspicious about the death or the cause thereof, or that it was procured by unlawful means, then the coroner is authorized to make an investigation and sign the medical certification on the death certificate. It seems clear from the statutes that, that is the only condition under which a coroner may legally sign the medical certification on a death certificate. A coroner is not called unless death occurs under conditions which indicate that there might be something suspicious about it, or that it was procured by unlawful means. In which case the coroner has jurisdiction and authority by virtue of the law to sign the medical certification on a death certificate. Under no other circumstances do we believe that he has any such authority. It is, therefore, the opinion of this office that the statutes contemplate:

1. That a death certificate be signed by the physician in last attendance.
2. That in absence of a physician in medical attendance at the time of death, the medical certification on a death certificate may be signed by the local registrar upon information obtained from the relatives or those having knowledge of the facts.
3. That in no event may a coroner sign the medical certification on a death certificate except when death occurred under such circumstances as to indicate that there was something suspicious connected therewith or it was procured by unlawful means and he has been called in to make an official investigation as coroner.

NELS G. JOHNSON

Attorney General